

UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 1.53(b))

Attorney Docket No.	03278.0236
First Inventor	Fendinger et al.
Title	A Non-Dairy Whippable Food Product
Express Mail Label No.	ER 806683738 US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original, and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.
See CFR 1.27.
3. ☒ Specification [Total Pages 26/]
(preferred arrangement set forth below)
 - Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R&D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. ☒ Drawing(s) (35 USC 113) [Total Sheets 6/]
5. ☐ Oath or Declaration [Total Pages 1/]
 - a. ☐ Newly executed (original or copy)
 - b. ☐ Copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 18 completed)
 - i. ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

Mail Stop Patent Application
ADDRESS TO: Commissioner for Patents, P.O. Box 1450
Alexandria, Virginia 22313-1450

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
 - a. ☐ Computer Readable Form (CRF)
 - b. Specification Sequence Listing on:
 - i. ☐ CD-ROM or CD-R (2 copies); or
 - ii. ☐ Paper
 - c. ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement ☐ Power of Attorney
(when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure ☐ Copies of IDS
Statement (IDS)/PTO-1449 Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122
(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent
17. ☒ Other: Check in the amount of \$ 896.00 and an unexecuted Declaration

18. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

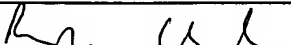
☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of the prior application No: /

Prior application information: Examiner: Group/Art Unit:

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference.

The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

<input checked="" type="checkbox"/> Customer Number:	26712	OR <input type="checkbox"/> Correspondence address below			
NAME	Ranjana Kadle				
	Hodgson Russ LLP				
ADDRESS	One M&T Plaza, Suite 2000				
CITY	Buffalo	STATE	New York	ZIP CODE	14203-2391
COUNTRY	United States of America	TELEPHONE	(716) 856-4000	FAX	(716) 849-0349
Name (Print/Type)	Ranjana Kadle	Registration No. (Attorney/Agent)	40,041		
Signature				Date	March 22, 2004

"Express Mail" Mailing Label Number ER 806683738 US

Date of Deposit March 22, 2004

FEE TRANSMITTAL for FY 2004

Effective 01/01/2003. Patent Fees are subject to annual revision.

Application Number	
Filing Date	March 22, 2004
First Named Inventor	Fendinger et al.
Examiner Name	
Group/Art Unit	
Attorney Docket Number	03278.0236

☐ Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT (\$) 896.00

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account: Deposit Account Number: 08-2442
Deposit Account Name: Hodgson Russ LLP

The Director is hereby authorized to (check all that apply)

☐ Charge fee(s) indicated below

☒ Charge any fee deficiencies or credit any overpayments

☐ Charge any additional fees during pendency of this application.

☐ Charge fees indicated below, except for the filing fee to the above-identified deposit account

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	\$
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	\$
1053	130	1053	130	Non-English specification	\$
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	\$
1804	920*	1804	920*	Requesting Publication of SIR prior to Examiner Action	\$
1805	1,840*	1805	1,840*	Requesting Publication of SIR after Examiner Action	\$
1251	110	2251	55	Extension for reply within first month	\$
1252	420	2252	210	Extension for reply within second month	\$
1253	950	2253	475	Extension for reply within third month	\$
1254	1,480	2254	740	Extension for reply within fourth month	\$
1255	2,010	2255	1,005	Extension for reply within fifth month	\$
1401	330	2401	165	Notice of Appeal	\$
1402	330	2402	165	Filing a brief in support of an appeal	\$
1403	290	2403	145	Request for oral hearing	\$
1451	1,510	1451	1,510	Petition to institute a public use proceeding	\$
1452	110	2452	55	Petition to revive - unavoidable	\$
1453	1,330	2453	665	Petition to revive - unintentional	\$
1501	1,330	2501	665	10 advance copies Utility issue fee (or reissue)	\$
1502	480	2502	240	Design issue fee	\$
1503	640	2503	320	Plant issue fee	\$
1460	130	1460	130	Petitions to the Commissioner	\$
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	\$
1806	180	1806	180	Submission of Information Disclosure Statement	\$
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	\$
1809	770	2809	385	Filing a submission after final rejection(37 CFR 1.129(a))	\$
1810	770	2810	385	For each add'l invention to be examined(37 CFR 1.129(b))	\$
1801	770	2801	385	Request For Continued Examination (RCE)	\$
1802	900	1802	900	Request for Expedited Examination of a design application	\$
Other fee (specify)					\$
*Reduced by basic filing fee paid				SUBTOTAL (3)	\$ 0

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
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1001	770	2001	385	Utility filing fee	\$ 770
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1002	340	2002	170	Design filing fee	\$
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1003	530	2003	265	Plant filing fee	\$
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1004	770	2004	385	Reissue filing fee	\$
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1005	160	2005	80	Provisional filing fee	\$
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SUBTOTAL (1) \$ 770

2. EXTRA CLAIM FEES FOR UTILITY/ REISSUE

Extra Claims	Fee from below	Fee Paid
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Total Claims $1271 - 20^{**} = 1251$ x $1/18 =$ \$ 126Independent Claims $31 - 3^{**} = 28$ x $1/18 =$ \$ 0Multiple dependent $1 / 1 \times 1 / 1 =$ \$

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
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1202	18	2202	9	Claims in excess of 20
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1201	86	2201	43	Independent claims in excess of 3
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1203	290	2203	145	Multiple dependent claim if not paid
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1204	86	2204	43	**Reissue independent claims over original patent
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1205	18	2205	9	**Reissue claims in excess of 20 and over original patent
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SUBTOTAL (2) \$ 126

SUBMITTED BY:

Ranjana Kadle

Reg. No. 40,041

SIGNATURE

DATE: March 22, 2004

Telephone: (716) 848-1628